

TITLE: Kinder Morgan Relocation- Herndon Area **DATE:** 3/27/2018
PROJECT: Construction Package No. 1 **CONTRACT NO:** HSR 13-06

CONTRACTOR: Attn: Ghassan Ariqat
 Tutor Perini/Zachry/Parsons, a Joint Venture
 1401 Fulton Street
 Suite 400
 Fresno, CA 93721

DESCRIPTION OF CHANGE:

This change provides compensation, in the amount listed below, for the relocation of approximately 4,664 linear feet of SFPP, L.P. (Kinder Morgan) 12" petroleum pipeline that is in conflict with the Herndon Underpass between Kinder Morgan Stations 6861+04 and 6907+68. The scope of this relocation includes all design, construction, inspection, railroad flagging and acquisition of all necessary permits.

EXTRA WORK AT AGREED LUMP SUM:

Pursuant to Section 6, *Payment for Work*, of the Executed Cooperative Agreement with Kinder Morgan (HSR13-77), this Change Order provides **\$5,360,000.00** to be deposited into the Escrow Account for the Facility Work described above. A supplemental Change Order will be issued to adjust the final price of this Change Order based on the final invoice for the Facility Work described above, less any credits or other applicable adjustments pursuant to Section 6.1(A), 6.1(B) and 6.2 of HSR13-77. Pursuant to Section 6.1 *Cost of Work* of HSR13-77, the final cost summary will be for the actual cost of the work and related costs associated to the relocation, plus SFPP's normal additives for reimbursable projects (collectively, the "Actual Cost."). The final cost summary will meet all the requirements of Section 6.3 of HSR13-77.

This Change Order also provides an additional **\$523,644.00** for Bond, Insurance and Mark-Ups by reason of this change.

Total additional compensation provided by this Change Order is **\$5,883,644.00**.

TIME ADJUSTMENT:

Any delay due to this change order, if any and if determined to be a controlling operation, shall be evaluated under a separate change order in accordance with Section 23.4, "Equitable Adjustments – Limitation on Delay and Disruption Damages," of the *General Provisions*.

PCO	Payment Item	Description	Quantity	Unit	Unit Price	Net Amount	Time Adj. Days
461	00001	Kinder Morgan Relocation-Herndon Area	1.0	LS	\$5,883,644.00	\$5,883,644.00	0

Total: \$5,883,644.00

Contractor	California High-Speed Rail Authority		
Acceptance by	Submitted by	Recommended by	Approved by
			

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Release of Claims

Except as modified by this Change Order, all terms and conditions of the Contract, as previously modified, remain unchanged and in full force and effect. The parties agree that this Change Order is a final and equitable adjustment of the Contract time and Contract amount and constitutes a mutual accord and satisfaction of all claims, current or future, of whatever nature caused by or arising out of the facts and circumstances surrounding this Change Order including, but not limited to, direct, indirect and consequential costs; additional time for performance; and the impact of the modifications specified in this Change Order, alone or taken with other changes, on the unchanged Work.

Contractor's Sworn Certification

By executing this Change Order for the Contractor below, the undersigned for the Contractor certifies as true, under penalty of perjury (under the laws of California, executed in Fresno, California), as follows:

This Change Order is made in good faith and in accordance with the terms of the Contract.

The amount of time and/or compensation requested accurately reflects the appropriate adjustments and includes all known and anticipated impacts or amounts that may be incurred as a result of the event or matter giving rise to such proposed change.

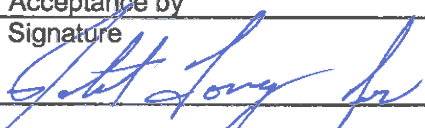
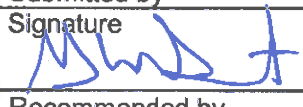



The Contractor has no reason to believe and does not believe that the factual basis for this Change Order is falsely represented.

The Contractor has investigated the basis for each Subcontractor claim and has determined that each such claim is justified as to entitlement and amount of money and/or time requested and has no reason to believe and does not believe that the factual basis for the Subcontractor's claim is falsely represented.

Subcontractor's Sworn Certification(s):

Attached as _____ [indicate "none" if no such Subcontractors are involved] are sworn certifications from each Subcontractor involved in the Work or event contemplated by this Change Order in the form above.

Tutor Perini/Zachry/Parsons, a Joint Venture

Acceptance by		
Signature 	Ghassan Ariqat – Project Manager/Director	Date 4/11/2018
California High-Speed Rail Authority		
Submitted by		
Signature 	Glenn Suitor - D-B Oversight Manager	Date 4/11/2018
Recommended by		
Signature 	Steven Milton- Design & Construction Manager	Date 4/11/18
Recommended for approval by		
Signature 	Terry Ogle- Director of Design & Construction	Date 4/11/18
Approval by		
Signature 	Joseph Hedges- Chief Operating Officer	Date 4/11/2019